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*Attorneys for Defendants Harold "Mike" Byrne  
John Crowder, George Davis, Shaun Diamond,  
Charles Dudley, David Halsey, Michael Sharp,  
and Allen Sunday*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ANTONIO LEE MIXON,

Case No. 3:17-cv-00146-MMD-CBC

**Plaintiff,**

V.

MIKE BYRNE, et al.,

**MOTION FOR EXTENSION OF TIME TO  
FILE MOTION FOR SUMMARY  
JUDGMENT**

## Defendants

Defendants Harold “Mike” Byrne, John Crowder, George Davis, Shaun Diamond, Charles Dudley, David Halsey, Michael Sharp, and Allen Sunday, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Dennis W. Hough, Deputy Attorney General, hereby submits this Motion for Extension of Time to file their Motion for Summary Judgment. This Motion is based on Federal Rule of Civil Procedure 6(b)(1)(A), the following Memorandum of Points and Authorities, and all papers and pleadings on file in this action.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

## I. ARGUMENT

Defendants respectfully request a thirty (30) day extension of time out from the current deadline (November 21, 2018) to file a motion for summary judgment in this case. Counsel for Defendants is confronted with numerous competing deadlines and a high workload due to staffing changes in the Office of the Attorney General. Defense counsel has recently substituted for a colleague that has

1 departed from the Office of the Attorney General. However, such obstacles are currently being resolved  
2 and the requested extension of time should afford Defendants adequate time file a motion for summary  
3 judgment in this case.

4 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

5 When an act may or must be done within a specified time, the court may,  
6 for good cause, extend the time: (A) with or without motion or notice if  
7 the court acts, or if a request is made, before the original time or its  
extension expires; or (B) on motion made after the time has expired if the  
party failed to act because of excusable neglect.

8 Defendants' request is timely and its limited nature will not hinder or prejudice Plaintiff's case,  
9 but will allow for a more thorough dispositive motion briefing to narrow or eliminate issues prior to  
10 further proceedings. The requested thirty (30) day extension of time should permit Defendants time to  
11 file a motion for summary judgment. Defendants assert that the requisite good cause is present to  
12 warrant the requested extension of time.

13 For these reasons, Defendants respectfully request a thirty (30) day extension of time from the  
14 current deadline to file a motion for summary judgment, with a new deadline to and including Friday,  
15 December 28, 2018.

16 DATED this 21st day of November, 2018.

17 ADAM PAUL LAXALT  
18 Attorney General

19 By:

DENNIS W. HOUGH  
Deputy Attorney General  
State of Nevada  
Bureau of Litigation  
Public Safety Division

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28 *Dennis W. Hough*

*Attorneys for Defendants*

IT IS SO ORDERED  
*Deeley*  
U.S. MAGISTRATE JUDGE

DATED: 11/27/2018

## **CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 21st day of November, 2018, I caused to be deposited for mailing a true and correct copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR SUMMARY JUDGMENT**, to the following:

Antonio Lee Mixon #1019828  
High Desert State Prison  
P. O. Box 650  
Indian Springs, NV 89070

~~An employee of the  
Office of the Attorney General~~